

TITLE V PERMIT COMMENT ADDENDUM

Engineer: René Toledo
Company Name: MM Yolo Power, LLC (MM Yolo)
Permit Number: F-00536-3
Date: July 9, 2010

A. Public Comments:

The public notice was published on April 10, 2010, in Woodland's "The Daily Democrat" (see attached email notice). The 30-day public comment period ended on May 10, 2010. No comments were received from the general public during the comment period.

B. Company Comments:

As discussed above, the public notice began on April 10, 2010, and ended on May 10, 2010. On May 4, 2010, Mr. Anthony Falbo, Vice President and General Manager of FORTISTAR Methane Group (a.k.a. FORTISTAR Services LLC and d.b.a. MM Yolo, LLC), submitted written comments. His comments and the District responses are summarized below. On July 7, 2010, the District received a letter from Mr. Falbo acknowledging the District's responses contained in the draft "Response to Comment Addendum" and indicating he had no further comments on the project (see attached).

Comment 1: The serial numbers for Engine #1A and #2 have been reversed in the proposed Title V permit documents. The serial number for Engine #1A and #2 are 49C728 and 49C01390, respectively.

Response 1: District staff does not agree with the comment and will not amend the engine descriptions contained in any of the proposed documents. As confirmed during a recent site inspection (performed on February 11, 2009), the serial number of Engine No. 1A (operating under Permit to Operate (PTO) P-78-98(a2)) is "49C01390," while the serial number of Engine No. 2 (operating under P79-98(a1)) is "49C728."

Comment 2: MM Yolo requests that all references to Engine #3 (under P-80-98) be completely removed from the proposed permit given that the unit is no longer operating at the site, and there are no plans to replace it with another unit. MM Yolo also requests that "historical proposed" Authorities to Construct (ATCs) C-04-151 and C-07-37 be withdrawn.

Response 2: District staff does not agree with the comment and will not amend the proposed documents. PTO P-80-98 is considered a valid operating permit that will remain in effect until canceled by the company's Responsible Official. Therefore, all of the applicable requirements of this valid permit have been included in the proposed Title V permit. The resulting Title V permit will continue to reference the requirements of PTO P-80-98 until such time as the

District receives a written request from the Responsible Official to cancel the operating permit. District records indicate that ATC C-07-37 (which superseded now canceled ATC C-04-151) expired on February 7, 2010.

Comment 3: MM Yolo requests that each engine's automatic air/fuel ratio controller, aftercooler, and turbocharger be removed from the "Control Equipment" inventory of each permit. MM Yolo considers these pieces of equipment integral to the proper operation of each engine and therefore not control equipment. MM Yolo believes that the interpretation used in the CAM discussion contained in the District's Statement of Basis be applied when identifying an engine's control equipment.

Response 3: District staff does not agree with the comment and will not amend the proposed documents. As outlined in Section 302.2 of District Rule 2.32 (Stationary Internal Combustion Engines), air/fuel ratio controllers and fuel valves are considered ancillary equipment used in the control of emissions. Therefore, by District convention, any equipment that is considered to have an impact on an engine's emissions is listed in the "Control Equipment Inventory" of a permit.

The District does not apply the definition of "control device" established in the Continuous Assurance Monitoring (CAM) requirements of 40 CFR Part 64, to the "Control Equipment Inventory" section of the permits. For reference, the definition contained in 40 CFR Part 64.1 defines a "control device" as any "equipment, other than inherent process equipment, that is used to destroy or remove air pollutant(s) prior to discharge to the atmosphere."

Comment 4: MM Yolo requests that the fuel limits of Conditions B.2 and B.3 of Section II of the proposed Title V permit be removed from the permit and that compliance continue to be demonstrated through the measurement and tracking of landfill gas consumption, emission concentrations, and mass emissions of the individual units. MM Yolo states that the heat input limitations would result in the facility having to operate at levels less than its maximum capacity to remain in compliance with the permitted conditions (given that the current methane concentrations being observed at the landfill are routinely over 50%).

Response 4: District staff does not agree with the comment and will not amend the proposed documents to remove Title V conditions B.2 and B.3 (PTO P-80-98 Process Limits and Condition 12, respectively). As previously discussed, the conditions of active PTO P-80-98 for Engine No. 3 have been included in the proposed Title V permit and will remain until such time as the local permit is cancelled by the Responsible Official.

Comment 5: MM Yolo does not agree with the Statement of Basis determination that the MM Yolo engines and the NEO Yolo gas collection system are under the common operation of MM Yolo. MM Yolo requests that the Statement of

Basis be revised to reflect that MM Yolo and NEO Yolo are independent companies that are commonly operated by staff provided by "FORTISTAR Services LLC."

Response 5: The District agrees and will use this Title V Permit Comment Addendum to document the MM Yolo and NEO Yolo equipment are co-located equipment, owned by independent companies, but commonly operated by FORTISTAR Services, LLC. The "stationary source" discussion will be revised in any future versions of Statement of Basis for this facility. It should be noted that District staff plans to further investigate the relationship between "FORTISTAR Methane Group" (per Mr. Falbo's letterhead) and "FORTISTAR Services, LLC" (as stated in Comment 5).

Comment 6: MM Yolo would like to understand the reasons behind the existence of separate Title V permits for the MM Yolo and NEO Yolo facilities, if the two companies are under common control. MM Yolo would also like to discuss the technical and financial benefit of combining both facilities under a single Title V permit.

Response 6: For reference, under the original "stationary source" determination completed for the MM Yolo and NEO Yolo LLC in 2001, the District determined that the MM Yolo and NEO Yolo equipment were owned and operated by separate companies and therefore considered two separate stationary sources. Accordingly, a Title V permit was issued for each company. This established convention had been correct until FORTISTAR Services LLC began to operate the equipment of both companies.

A "stationary source" is defined as all emissions units which belong to the same industrial grouping (SIC Code), are located on one property (or two or more contiguous properties), and are under the same common ownership, operation, or control.

The District recently became aware of the common operational control for MM Yolo and NEO Yolo, and as such has processed this renewal of MM Yolo's Title V permit and NEO Yolo's proposed Title V permit amendment F-01348-1, as if the two sources were one stationary source, with each company operating under their separate permits. Incidentally, the Yolo County Central Landfill (YCCL) is operating under its separate Title V Permit F-01392-2. However, based on all three of these companies equipment being located on the same (or contiguous) parcels, all three of these companies being under the same industrial grouping (first two digit SIC Code of 49), and uncertainty about common operation, or control, the District has previously requested (on July 24, 2008) a stationary source determination from U.S. EPA, Region IX.

As documented in MM Yolo's comment, MM Yolo and NEO Yolo are clearly under common operational control since FORTISTAR Services, LLC represents both companies, and operates the equipment for both companies on a day-to-day basis. Where the District is uncertain is whether YCCL can be

considered under separate control. Since YCCL contracts out the landfill gas collection and control (from either the engines or the flare) and absent contracting it out, YCCL would need to operate the collection system and do something with the gas, it would seem that all three entities could be considered under common control. Otherwise, contracting out parts of operations would seem to be a simple way to circumvent aggregating provisions of NSR.

As requested by Mr. Falbo in a separate letter dated April 7, 2010, the District plans to arrange a meeting with FORTISTAR and YCCL to discuss these topics in detail.

C. ARB Comments:

The Title V permit amendment notice was mailed to ARB on April 8, 2010. It is expected that the 45-day regulatory comment period also began on April 10, 2010, and ended on May 25, 2010. No comments were received from ARB during the comment period.

D. EPA Comments:

The Title V permit amendment notice was mailed to EPA on April 8, 2010. It is expected that the 45-day regulatory comment period also began on April 10, 2010, and ended on May 25, 2010. On May 21, 2010, the District received (via email) EPA Reviewer Roger Kohn's written comments (see attached). It should be noted that as explained in Mr. Kohn's email, his comments are not specific to the MM Yolo Power project, but instead are "recommendations about improvements the District could make to all of its Title V permits." His comments and the District responses (in respect to this project) are summarized below.

Comment 1: EPA has determined that the annual compliance certification and semi-annual monitoring report submittal deadlines contained in the proposed Title V permit are not practically enforceable and has recommended that the affected conditions be revised to include explicit applicability periods and due dates. The comment also contains specific examples of acceptable condition language and reporting scenarios.

Response 1: The District agrees with the comment and will revise the affected Title V conditions to contain explicit applicability periods and report due dates. In order to document the inclusion of new language, the District will use this comment addendum to perform a streamline demonstration for each condition.

Streamlining Demonstration

As shown below, the standard annual compliance certification reporting language of Rule 3.8 (Federal Operating Permits), will be streamlined under the provisions of Rule 3.4 to include specific reporting and submittal dates:

Streamlined Requirement: Section 302.14(a) of Rule 3.8 requires “the responsible official shall submit a compliance certification to the U.S. EPA and the APCO every twelve (12) months unless required more frequently by an applicable requirement. All compliance reports and other documents required to be submitted to the District by the responsible official shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.”

Revised Condition E.1 of Section IV (Compliance Certification) now reads:

“The responsible official shall submit a compliance certification to the U.S. EPA and the APCO every twelve (12) months unless required more frequently by an applicable requirement. The twelve (12) month period will begin on the date that the Title V permit was originally issued (May 28), and will be due within thirty (30) days after the end of the reporting period, unless otherwise approved in writing by the District. All compliance reports and other documents required to be submitted to the District by the responsible official shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete. [District Rule 3.4 and District Rule 3.8, §302.14(a)]”

The Rule 3.8 annual reporting requirements have been streamlined by the District Rule 3.4 requirement.

Streamlining Demonstration

As shown below, the standard semi-annual monitoring report language of Rule 3.8, will be streamlined under the provisions of Rule 3.4 to include specific reporting and submittal dates:

Streamlined Requirement: Section 302.7(b) of Rule 3.8 requires “A monitoring report shall be submitted at least every six (6) months and shall identify any deviation from permit requirements, including that previously reported to the APCO pursuant to Section 302.7(a) of Rule 3.8.”

Revised Condition L.2 of Section IV (Recordkeeping) now reads:

“A semi-annual monitoring report shall be submitted at least every six (6) consecutive months and shall identify any deviation from permit requirements, including that previously reported to the APCO pursuant to Section 302.7(a) of Rule 3.8. The six (6) month period will begin on the date that the Title V permit was originally issued (May 28), and will be due within thirty (30) days after the end of the reporting period, unless otherwise approved in writing by the District. [District Rule 3.4 and District 3.8, §302.7(b)]”

The Rule 3.8 semi-annual reporting requirements have been streamlined by the District Rule 3.4 requirement.

Comment 2: EPA has identified that a portion of Section 302.14(a) of District Rule 3.8, has been omitted from the proposed Title V permit, and requests that the rule language be included in the permit.

Response 2: The District agrees with the comment and has revised Condition E.1 of Section IV (Compliance Certification) to read:

"The responsible official shall submit a compliance certification to the U.S. EPA and the APCO every twelve (12) months unless required more frequently by an applicable requirement. The twelve (12) month period will begin on the date that the Title V permit was originally issued (May 28), and will be due within thirty (30) days after the end of the reporting period, unless otherwise approved in writing by the District. All compliance reports and other documents required to be submitted to the District by the responsible official shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete. [District Rule 3.4 and District Rule 3.8, §302.14(a)]"

Comment 3: EPA requests that citations for all streamlined permit requirements contained in the Title V permit be expanded to include citations of the subsumed requirements along with the most stringent rule requirements. EPA states that this citation methodology will comply with the guidance previously established in EPA's "White Paper Number 2 for Improved Implementation of the Part 70 Operating Permits Program" (March 5, 1996), and will help to assure the public and EPA that all emission limits have been considered and included in the permit.

Response 3: The District agrees with the comment and has amended the rule citation of each affected Title V permit condition to include a reference to each subsumed rule requirement. The following list of condition numbers identifies each condition that has had its citation revised to include all subsumed rules. Except for the two previously discussed reporting conditions (see Comment 1 above), the Statement of Basis for this proposed Title V permit contains all of the necessary streamlining procedures (which remain unaffected by the rule citation amendment). Therefore, the condition language will not be listed here since it is not changing.

II. Specific Unit Requirements

- A. Emission Limits:
A.1, A.2, A.3, A.4, and A.5
- B. Work Practice and Operational Requirements:
B.1

C. Monitoring and Testing Requirements:
C.1, C.2, C.3, C.4, C.5, and C.6

D. Recordkeeping Requirements:
D.1 and D.4

IV. Title V General Requirements

E. Compliance Certification:
E.1

K. Recordkeeping:
K.2

L. Reporting Requirements:
L.2

E. Recommendation:

Incorporate the above discussed items and issue the amended proposed Title V permit.

Engineer: Rene Toledo Date: 03/09/2010

Reviewed By: Susan K. O'Leary Date: 7/9/10

RECEIVED JUL 07 2010

FORTISTAR Methane Group

MM Yolo Power LLC

44090 Road 28H, Box #3 ♦ Woodland, California 95776

Tel. (530) 753-9109 ♦ Fax. (530) 753-6581

July 2, 2010

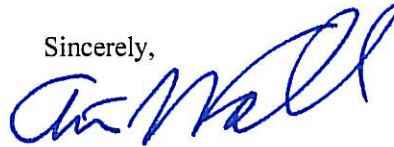
Rene Toledo
Yolo Solano AQMD
1947 Galileo Ct. Suite 103
Davis, CA 95616

Subject: Title V Permit Response
MM Yolo Power LLC. – F-00536-3

Dear Mr. Toledo;

Attached is our response to the comments received on June 22, 2010. Thank you in advance for your assistance with this matter. Please direct all questions regarding this letter to Suparna Chakladar at (951) 833-4153.

Sincerely,



Anthony J. Falbo
Vice President and General Manager
FORTISTAR Methane Group
MM Yolo Power LLC

cc: Suparna Chakladar, FMG

Discussion on Title V Permit Comment Addendum

(Dated May 16, 2010)

MM Yolo Power LLC

44090 Road 28H, Box #3 ♦ Woodland, California 95776

Tel. (530) 753-9109 ♦ Fax. (530) 753-6581

The following represent subsequent discussion regarding the YSAQMD's responses to specific comments presented to the YSAQMD in a letter dated May 4, 2010.

MM Yolo Power Comment No. 1:

On page 2 of the proposed permit, the serial numbers for Engines #1A and #2 are reversed and are not correct. Engine #1A's correct Serial Number is 49C728, while Engine #2's correct Serial Number is 49C01390.

YSAQMD Response to Comment No. 1:

District staff does not agree with the comment and will not amend the engine descriptions contained in any of the proposed documents. As confirmed during a recent site inspection (performed on February 11, 2009), the serial number of Engine No. 1A (operating under Permit to Operate (PTO) P-78-98(a2)) is "49C01390," while the serial number of Engine No. 2 (operating under P79-98(a1)) is "49C728".

MM Yolo Power Discussion

We will confirm this with Operations.

MM Yolo Power Comment No. 2:

On page 2 of the proposed permit, MM Yolo Power requests that Engine #3 (ID# P-80-98) be completely removed from the permit given the unit is no longer present at the facility and there are no plans to install it again. As such, the historical proposed Authorities To Construct C-040-151 and C-07-37 are withdrawn.

YSAQMD Response to Comment No. 2:

District staff does not agree with the comment and will not amend the proposed documents. PTO P-80-98 is considered a valid operating permit that will remain in effect until canceled by the company's Responsible Official. Therefore, all of the applicable requirements of this valid permit have been included in the proposed Title V permit. The resulting Title V permit will continue to reference the requirements of PTO P-80-98 until such time as the District receives a written request from the Responsible Official to cancel the operating permit. District records indicate that ATC C-07-37 (which superseded now canceled ATC C-04-151) expired on February 7, 2010.

MM Yolo Power Discussion

Following our June 29, 2010 meeting, we understand the issue and have no further comments on this issue.

MM Yolo Power Comment No. 3:

On page 2 of the proposed permit, each engine is listed as having "Control Equipment" which consists of an automatic air/fuel ratio controller, aftercooler, and turbocharger. MM Yolo Power

is requesting that the Control Equipment designation be removed; given the said equipment is integral to the engines and needed for proper operation of each engine. This is reflected accurately by the YSAQMD on page 34 of the Statement of Basis, which indicates that CAM is not required, the reason being that no emissions control equipment is present.

YSAQMD Response to Comment No. 3:

District staff does not agree with the comment and will not amend the proposed documents. As outlined in Section 302.2 of District Rule 2.32 (Stationary Internal Combustion Engines), air/fuel ratio controllers and fuel valves are considered ancillary equipment used in the control of emissions. Therefore, by District convention, any equipment that is considered to have an impact on an engine's emissions is listed in the "Control Equipment Inventory" of a permit. The District does not apply the definition of "control device" established in the Continuous Assurance Monitoring (CAM) requirements of 40 CFR Part 64, to the "Control Equipment Inventory" section of the permits. For reference, the definition contained in 40 CFR Part 64.1 defines a "control device" as any "equipment, other than inherent process equipment, that is used to destroy or remove air pollutant(s) prior to discharge to the atmosphere."

MM Yolo Power Discussion

MM Yolo appreciates your explanation which specifies that placement of the Air/Fuel Ratio Controller, Aftercooler, and Turbocharger in the "Control Equipment Inventory" is only based on District convention, rather than any applicability with respect to CAM. The reason for MM Yolo's comments is to take proactive measures to avoid any potential future application of CAM requirements to equipment that is not true Control Equipment per the CAM definition.

MM Yolo retains its position that the air/fuel ratio controller, aftercooler, and turbocharger are operational equipment essential to the function of the engine and that any impact this equipment may have on emissions is only secondary. The engines could not operate efficiently (with respect to power generation) without the air/fuel ratio controller, given the variability of the fuel characteristics. The engines could not operate at all without the aftercooler and the turbocharger. This concept is not unlike considering the engine's valves and piston rings, which also technically impact emissions, but are clearly essential to the operation of the engine and are by no means designated as control equipment.

We discussed this on June 29, 2010 and understand that this is not a CAM issue as perceived by the District.

MM Yolo Power Comment No. 4:

On page 5 of the proposed permit, the YSAQMD has reinstated permit conditions #B.2 and #B.3 which limit the heat input of each engine and the total heat input of all engines. The proposed Title V Operating Permit (F-00536-02), dated May 28, 2007, had eliminated the conditions that imposed heat input limitations (Strikeout Conditions #14, #15, & #16) and replaced them with conditions that imposed limitations on landfill gas consumption (New Conditions #6 & #7).

MM Yolo is requesting that conditions #B.2 and #B.3 be removed from the permit and that compliance continue to be demonstrated through measurement and tracking of landfill gas consumption, emission concentrations, and mass emissions.

The proposed heat input limitations would result in the facility having to operate at levels less than its maximum capacity to remain in compliance with permit conditions, given the current methane concentrations being observed at the landfill are routinely over 50%. The proposed heat input limitations impose restrictions that are unnecessary given the facility has been demonstrating compliance with landfill gas consumption, concentration, and mass emission limits at the current operational levels.

YSAQMD Response to Comment No. 4:

District staff does not agree with the comment and will not amend the proposed documents to remove Title V conditions B.2 and B.3 (PTO P-80-98 Process Limits and Condition 12, respectively). As previously discussed, the conditions of active PTO P-80-98 for Engine No. 3 have been included in the proposed Title V permit and will remain until such time as the local permit is cancelled by the Responsible Official.

MM Yolo Power Discussion

We understand this issue following the explanations during the June 29, 2010 meeting.

MM Yolo Power Comment No. 5:

On page 4 of the Statement of Basis, it is stated "*MM Yolo engines and the NEO Yolo gas collection system.....(3) are under the common operation of MM Yolo Power...*". This statement is incorrect. The two companies are independent of each other but are operated by staff provided by FORTISTAR Services LLC. MM Yolo requests that this distinction be made clear in the Statement of Basis.

YSAQMD Response to Comment No. 5:

The District agrees and will use this Title V Permit Comment Addendum to document the MM Yolo and NEO Yolo equipment are co-located equipment, owned by independent companies, but commonly operated by FORTISTAR Services, LLC. The "stationary source" discussion will be revised in any future versions of Statement of Basis for this facility. It should be noted that District staff plans to further investigate the relationship between "FORTISTAR Methane Group" (per Mr. Falbo's letterhead) and "FORTISTAR Services, LLC" (as stated in Comment 5).

MM Yolo Power Discussion

MM Yolo acknowledges YSAQMD's response.

MM Yolo Power Comment No. 6:

We would also like to understand the reason behind the existence of two Title V permits, one each for NEO Yolo and MM Yolo. Since both facilities are considered under common control by your District and both permits are under review, we would like to discuss the technical and financial benefit of combining both facilities under one Title V permit as envisioned by the Title V Operating permit program.

YSAQMD Response to Comment No. 6:

For reference, under the original "stationary source" determination completed for the MM Yolo and NEO Yolo LLC in 2001, the District determined that the MM Yolo and NEO Yolo equipment were owned and operated by separate companies and therefore considered two separate stationary sources. Accordingly, a Title V permit was issued for each company. This established convention had been correct until FORTISTAR Services LLC began to operate the equipment of both companies. A "stationary source" is defined as all emissions units which belong to the same industrial grouping (SIC Code), are located on one property (or two or more contiguous properties), and are under the same common ownership, operation, or control. The District recently became aware of the common operational control for MM Yolo and NEO Yolo, and as such has processed this renewal of MM Yolo's Title V permit and NEO Yolo's proposed

Title V permit amendment F-01348-1, as if the two sources were one stationary source, with each company operating under their separate permits. Incidentally, the Yolo County Central Landfill (YCCL) is operating under its separate Title V Permit F-01392-2. However, based on all three of these companies equipment being located on the same (or contiguous) parcels, all three of these companies being under the same industrial grouping (first two digit SIC Code of 49), and uncertainty about common operation, or control, the District has previously requested (on July 24, 2008) a stationary source determination from U.S. EPA, Region IX. As documented in MM Yolo's comment, MM Yolo and NEO Yolo are clearly under common operational control since FORTISTAR Services, LLC represents both companies, and operates the equipment for both companies on a day-to-day basis. Where the District is uncertain is whether YCCL can be considered under separate control. Since YCCL contracts out the landfill gas collection and control (from either the engines or the flare) and absent contracting it out, YCCL would need to operate the collection system and do something with the gas, it would seem that all three entities could be considered under common control. Otherwise, contracting out parts of operations would seem to be a simple way to circumvent aggregating provisions of NSR. As requested by Mr. Falbo in a separate letter dated April 7, 2010, the District plans to arrange a meeting with FORTISTAR and YCCL to discuss these topics in detail.

MM Yolo Power Discussion

MM Yolo acknowledges YSAQMD's response.

Rene Toledo

From: Kohn.Roger@epamail.epa.gov
Sent: Thursday, May 20, 2010 5:19 PM
To: Rene Toledo
Cc: Susan McLaughlin
Subject: EPA Comments on MM Yolo Power Renewal

Follow Up Flag: Follow up
Flag Status: Flagged

Hello Rene,

Finished sooner than I thought so I'll send my comments now.

I have reviewed the District's proposed renewal the title V permit for MM Yolo Power, and I offer the following comments. These issues are not specific to the MM Yolo Power permit. Rather, they are recommendations about improvements the District could make to all of its title V permits. Although we are highlighting some problematic District title V permitting practices, EPA recognizes that it may not be practical to address these issues in all existing permits at this time, or even when individual permits are being modified to address other issues. However, the title V permit renewal process is an excellent opportunity for the District to perform QA/QC on existing permits and make improvements based on lessons learned in title V program implementation. Therefore EPA strongly recommends that the District address these issues when it renews the MM Yolo Power permit, and make the same changes to all other title V permits when they are processed for renewal.

The annual compliance certification and semi-annual monitoring conditions in the District's title V permits are not practically enforceable. The conditions require the certifications to be submitted "every 12 months" and the monitoring reports to be submitted "every six months". However the permit does not specify the exact periods of time that these certifications and reports must cover, provide the source time following the end of the reporting period to compile the data, or specify a deadline by which the certifications and reports must be submitted to the District. The District should revise these conditions to clarify these requirements and make them practically enforceable. For example, the District could require that compliance certifications be postmarked by January 30 of each year (or some other reasonable date) and cover the previous calendar year. Similarly, the District could require that the semi-annual monitoring reports cover the periods from January 1 to June 30 and from July 1 to December 31, and be postmarked by the 30th day following the end of the reporting period. While we have found that a calendar year cycle works well, the District is free to set any 12 month cycle desired, as long as it is specified in the permit. Regardless of what approach the District chooses to address this issue, the District should revise sections IV.E and IV.L of the MM Yolo Power permit to correct this deficiency.

The District's EPA-approved title V rule require that "All compliance reports and other documents required to be submitted to the District by the responsible official shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete." (See Rule 3.8, section 302.14.)

District title V permits that EPA has reviewed recently, including the proposed MM Yolo Power renewal, do not contain this requirement. The District must add this language to the permit.

The District frequently streamlines multiple overlapping emission limits as allowed in EPA guidance (White Paper Number 2 for Improved Implementation of the Part 70 Operating Permits Program, March 5, 1996). However, the citations of origin and authority for the streamlined emission limits in District title V permits refer only to the District NSR permits that contain the most stringent emission limits. In accordance with WP2, the District must also include all subsumed emission limits in these citations. When streamlining, it is important that title V permits cite all applicable requirements, including subsumed emission limits, because a source could be out of compliance with a streamlined limit but in compliance with one or more subsumed limits. Including complete authority citations in title V permits when streamlining has the added benefit of providing assurance to EPA and the public that all emission limits have been considered and included in the permit.

Roger Kohn
USEPA Region 9 - Air Division (AIR-3)
75 Hawthorne Street
San Francisco, CA 94105-3901

Phone 415-972-3973
Fax: 415-947-3579

FORTISTAR Methane Group

MM Yolo Power LLC

44090 Road 28H, Box #3 ♦ Woodland, California 95776

Tel. (530) 753-9109 ♦ Fax. (530) 753-6581

May 3, 2010

Ms. Susan McLaughlin
Supervising Air Quality Engineer
Yolo Solano AQMD
1947 Galileo Ct. Suite 103
Davis, CA 95616

Subject: Comments on Notice of Proposed Decision;
Renewal of Title V Operating Permit F-00536-3;
MM Yolo Power LLC.

Dear Ms. McLaughlin:

On April 8, 2010, MM Yolo Power LLC. received the Notice of Proposed Decision for the Renewal of Title V Operating Permit #F-0053603. As requested in the letter, this correspondence represents MM Yolo Power LLC's written comments concerning several items in the proposed renewal.

Comment No. 1:

On page 2 of the proposed permit, the serial numbers for Engines #1A and #2 are reversed and are not correct. Engine #1A's correct Serial Number is 49C728, while Engine #2's correct Serial Number is 49C01390.

Comment No. 2:

On page 2 of the proposed permit, MM Yolo Power requests that Engine #3 (ID# P-80-98) be completely removed from the permit given the unit is no longer present at the facility and there are no plans to install it again. As such, the historical proposed Authorities To Construct C-040-151 and C-07-37 are withdrawn.

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On page 2 of the proposed permit, each engine is listed as having "Control Equipment" which consists of an automatic air/fuel ratio controller, aftercooler, and turbocharger. MM Yolo Power is requesting that the Control Equipment designation be removed; given the said equipment is integral to the engines and needed for proper operation of each engine. This is reflected accurately by the YSAQMD on page 34 of the Statement of Basis, which indicates that CAM is not required, the reason being that no emissions control equipment is present.

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On page 5 of the proposed permit, the YSAQMD has reinstated permit conditions #B.2 and #B.3 which limit the heat input of each engine and the total heat input of all engines. The proposed Title V Operating Permit (F-00536-02), dated May 28, 2007, had eliminated the conditions that imposed heat input limitations (Strikeout Conditions #14, #15, & #16) and replaced them with conditions that imposed limitations on landfill gas consumption (New Conditions #6 & #7).

Ms. Susan McLaughlin
YSAQMD
May 3, 2010

MM Yolo is requesting that conditions #B.2 and #B.3 be removed from the permit and that compliance continue to be demonstrated through measurement and tracking of landfill gas consumption, emission concentrations, and mass emissions.

The proposed heat input limitations would result in the facility having to operate at levels less than its maximum capacity to remain in compliance with permit conditions, given the current methane concentrations being observed at the landfill are routinely over 50%. The proposed heat input limitations impose restrictions that are unnecessary given the facility has been demonstrating compliance with landfill gas consumption, concentration, and mass emission limits at the current operational levels.

Comment No. 5:

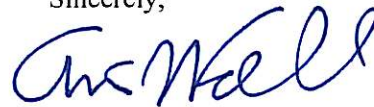
On page 4 of the Statement of Basis, it is stated "*MM Yolo engines and the NEO Yolo gas collection system.....(3) are under the common operation of MM Yolo Power...*". This statement is incorrect. The two companies are independent of each other but are operated by staff provided by FORTISTAR Services LLC. MM Yolo requests that this distinction be made clear in the Statement of Basis.

General Comment:

We would also like to understand the reason behind the existence of two Title V permits, one each for NEO Yolo and MM Yolo. Since both facilities are considered under common control by your District and both permits are under review, we would like to discuss the technical and financial benefit of combining both facilities under one Title V permit as envisioned by the Title V Operating permit program.

Thank you for your consideration of these matters. Please direct all questions regarding this letter to Suparna Chakladar at (951) 833-4153.

Sincerely,



Anthony J. Falbo
Vice President and General Manager
FORTISTAR Methane Group
MM Yolo Power LLC.

cc: Suparna Chakladar, FMG
Scott Overhoff, FMG

This space is for the County Clerk's Filing Stamp

PROOF OF PUBLICATION
(2015:5 C.C.P.)

STATE OF CALIFORNIA
County of Yolo

The Daily Democrat

A newspaper of general circulation, printed and published daily in the City of Woodland, County of Yolo, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of Yolo, State of California, under the date of June 30, 1952, and in accordance with the provisions of Title 1, Division 7, of the government Code of the State of California; that the notice, of which the annexed is a printed copy (set in type not smaller than nonpareil) has been published in each regular and entire issue of said newspaper and to in any supplement thereof on the following dates to-wit:

April 10th, 2010

All in the years 2010

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Date at: Woodland
California, this 10th day of April 2010


Signature

Proof of Publication of
YOLO SOLANO AQMD

NOTICE OF PRELIMINARY DECISION

NOTICE OF
PRELIMINARY
DECISION FOR THE
PROPOSED
RENEWAL OF A
TITLE V
OPERATING
PERMIT

NOTICE IS HEREBY
GIVEN that the Yolo-
Solano Air Quality
Management District
solicits public
comment on the
proposed renewal of
a Title V operating
permit issued to MM
Yolo Power LLC,
operating at 44090
County Road 28H in
Woodland,
California.

The District's
analysis of the legal
and factual basis for
this proposed action,
the proposed permit,
and the complete
application are
available for public
inspection at the
District office, located
at the address below.
This will be the
public's only
opportunity to
comment on the
specific conditions of
the proposed
renewed Title V
permit. If requested
by the public, the
District shall hold a
public hearing
regarding issuance
of this renewed
permit. For
additional information
please contact René
Toledo at (530) 757-
3650. Written
comments on this
project must be
submitted within 30

days of the
publication date of
this notice to Susan
K. McLaughlin,
Supervising Air
Quality Engineer,
Yolo-Solano Air
Quality Management
District, 1947 Galileo
Court, Suite 103,
Davis, California,
95618.

lipping
office
RELY
Space

PROOF OF PUBLICATION